

ORIGINAL

20 MAG 00284

Approved: Rushmi BhaskaranRUSHMI BHASKARAN  
Assistant United States AttorneyBefore: HONORABLE DEBRA FREEMAN  
United States Magistrate Judge  
Southern District of New York

|                          |   |                         |
|--------------------------|---|-------------------------|
| - - - - -                | x |                         |
|                          | : | <u>Sealed Complaint</u> |
| UNITED STATES OF AMERICA | : |                         |
| - v. -                   | : | Violation of            |
|                          | : | 18 U.S.C. §             |
| DANA MARIE EIDEM,        | : | 115(a)(1)(B).           |
|                          | : |                         |
| Defendant.               | : | COUNTY OF OFFENSE:      |
| - - - - -                | x | NEW YORK                |

SOUTHERN DISTRICT OF NEW YORK, ss.:

RICHARD BUSICK, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Influencing a Federal Official By Threat)

1. On or about January 6, 2020, in the Southern District of New York and elsewhere, DANA MARIE EIDEM, the defendant, willfully and knowingly did threaten to assault, kidnap, and murder a United States judge, with intent to impede, intimidate, and interfere with such United States judge while engaged in the performance of official duties, and with intent to retaliate against such United States judge on account of the performance of official duties, to wit, EIDEM threatened to kill, assault and otherwise harm a United States judge who had ruled against her in a civil dispute.

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the FBI. I have been involved in the investigation of the above-described offense. I am familiar with the facts and circumstances set forth below based on my review of pertinent documents, and from my conversations with fellow law enforcement officers. Because this affidavit is being submitted for the limited purpose of

establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of court records, I know that in approximately July 2018, a United States District Judge ("Judge-1") was assigned to an international custody dispute between DANA MARIE EIDEM, the defendant, and the father ("Father-1") of her two children (the "Children").

a. In that custody dispute, Father-1 sought court intervention to have the Children returned to Father-1's home country. On or about January 3, 2020, Judge-1 issued an order (the "January 3 Order") requiring EIDEM to, among other things, bring the Children to the lobby of Father-1's hotel on January 6, 2020, so that the Children could return to Father-1's home country.

b. On or about January 4, 2020, an attorney ("Attorney-1") for Father-1 wrote to Judge-1 and indicated that Attorney-1 had learned that EIDEM did not intend to comply with the January 3 Order. On or about January 5, 2020, an attorney for EIDEM confirmed that EIDEM did not intend to comply with the January 3 Order.

c. On or about January 5, 2020, Judge-1 issued an order (the "January 5 Order") that, in part, directed the United States Marshals Service ("USMS") to arrest EIDEM, remove the Children from EIDEM's custody, and deliver them to Father-1. In addition, the January 5 Order placed EIDEM in civil contempt and ordered her detained.

4. I know from my discussions with other law enforcement officers, and my review of reports of interview of certain Deputy United States Marshals ("DUSMs") that on or about the morning of January 6, 2020, the USMS arrested DANA MARIE EIDEM, the defendant, at her home in New York, New York, pursuant to the January 5 Order. Following her arrest, and at all times within the Southern District of New York, EIDEM made several statements regarding Judge-1, which a DUSM ("DUSM-1") endeavored to type on DUSM-1's cell phone at approximately the same time the statements were made. In sum and substance, those statements were:

a. "Sooner or later I'll get to [Judge-1] and [Judge-1] will get what [Judge-1] deserves."


b. "[Judge-1] needs to get a bullet to the head and I'd like to be the one to give it to [Judge-1]."

c. "[Judge-1] needs to get hit by a car. Maybe that's what I'll do. I'll hit [Judge-1] with a car."

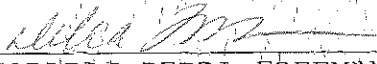
d. "If I ever get my hands on [Judge-1], [Judge-1] is going to regret messing with me."

e. "[Judge-1] is now on my to-get-list. Judge-1 better sleep with [Judge-1's] eyes open."

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of DANA MARIE EIDEM, the defendant, and that she be arrested, and imprisoned or bailed, as the case may be.

  
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RICHARD BUSICK  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
9th day of January, 2020

  
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HONORABLE DEBRA FREEMAN  
United States Magistrate Judge  
Southern District of New York